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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,875	08/22/2003	Dante Monteverde	35041/400300	1874
27717 7590 06/06/2007 SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE2400 CHICAGO, IL 60603-5803			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,875	<b>Applicant(s)</b> MONTEVERDE, DANTE	
	<b>Examiner</b> Peter Poltorak	<b>Art Unit</b> 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Amendment, and remarks therein, received on 3/12/07 have been entered and carefully considered.
2. The Amendment introduces a new limitation into the originally sole independent claims 1 and 29-30, and dependent claims 2-17, 19-28 and 31-45. Claim 18 has been canceled and new claims 46-49 have been introduced. The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Response to Amendment***

4. The amendments and arguments addressed the 35 USC § 112 rejections cited in the previous Office Action that, as a result, have been withdrawn.
5. Applicant's arguments with respect to Underwood (USPN 6523027) rejection cited in the previous Office Action have been considered but are moot in view of the new ground(s) of rejection.
6. Claims 1-17 and 19-49 have been examined.

### ***Claim Rejections - 35 USC § 102 or 103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 6-8, 12, 14-17, 21-23, 27, 29-31, 34-37, 41 and 44-49 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Browseaccelerator (Jan 2002).

As per claims 1, Browseaccelerator anticipates a trustworthiness of an Internet site having content. In particular in "What it does" section, Browseaccelerator discloses "7 distinct advantages". For example, Browseaccelerator discloses that: "One-Click SiteDetails? helps you find the most trustworthy sites on the web. Just click on our logo when a web site appears in your browser, and you'll view site information, including: site age, email and postal addresses, popularity, last update, phone numbers and more. NEW! Now the details include web site traffic rankings."

This is a clear evidence of analyzing the content for predetermined criteria related to trustworthiness of Internet sites, determining an amount of the criteria the content complies with, creating an analytical result as an indicator of trustworthiness of the

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Internet site based on the amount of the criteria the content complies with, and communicating to an Internet user the analytical result.

Although, Browseaccelerator does not explicitly disclose that the content analyzing is dynamically obtained, not only Browseaccelerator clearly discloses that the invention offers the selection of "the finest web site for the job at hand" but also that the report uses 7MetaSearch.com, which is a search engine (see #2 of the cited section), and search engines dynamically analyze content.

Furthermore, even if Browseaccelerator was not to use dynamic analyzes, using dynamic analyzes of content would have been an obvious variation that is well known in the art. One would have been motivated to implement dynamic analyzes especially in light of the benefits of these analyzes as evidenced by their commercial success.

8. As per claims 14-16, 30-31 and 44-45 Browseaccelerator discloses at least a portion of the content in an Internet browser and an independent of the Internet site Internet browser add-on displaying the analytical result within a tool bar incorporated into an Internet browser ("The Time Saver!" section).
9. As per claims 6-8, 12, 21-23, 27, 35-37 and 41 Browseaccelerator discloses searching the content email, phone number and postal address and determining a traffic ranking of the site ("The Time Saver!", "What it does" sections, etc.).
10. As per claims 4, 34, Browseaccelerator also does not explicitly disclose awarding numerical points for each criterion that the Internet site complies with. However, the limitation if not inherent is at least implicit. Computers work with numerical values

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and evaluating whether a condition is met must involve assigning values numerical points to which objects to be searched must be compared to.

Furthermore, even if (somehow) computers implementing Browseaccelerator's invention would be configured to conduct evaluation without awarding numerical points for each evaluated criterion, awarding numerical points for each evaluated criterion is well known in the art of data analysis (see US PUB 2001/0056396, 2006/0265230 etc.), and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to award numerical points for each evaluated criterion given the benefit of achieving the most appropriate/fitting/accurate results.

11. Note, that even though claim 17 is addressed as equivalent to claims 2 and 32 (that are addressed later in this Office Action), it would also be appropriate to consider the limitations of claim 17 to be equivalent to the limitations of claim 4. Furthermore, as per claim 29, computing devices inherently comprise means for summing data/values.

12. Although, as per claim 46, Browseaccelerator does not explicitly disclose storing the analytical result in a database, storing results in databases the limitation is at least implicit, if not inherent. A set of data stored on a computer (computers need at least a file system to store computer configuration files) reads on a database. As a result by virtue of storing (even if temporarily) data (such as analytical result data) on a computer (in the computer file system) reads on storing the data in a database. However, even if it one was to disregard the idea of the set of the data stored on the computer to be a database, storing data, such as analytical results, in a database is

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well known in the art of computing (e.g. Internet Browser cache, Windows registry etc.) and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to store data, such as analytical results, given the benefit of speed and efficiency of data storage, access and retrieval.

13. As per claim 49, Browseaccelerator discloses presenting search results based on a predetermined analytical result, which reads on excluding the Internet sites that do not meet the predetermined analytical result.

However, even if Browseaccelerator teaching would not read on excluding the results, such as Internet sites, that do not meet the predetermined analytical result, disclosing the result that would include only meet a predetermine analytical result is well known in the art of computing (e.g. search engine results), and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such an exclusion given the benefit of efficiency and accuracy.

14. Claims 2-5, 9-11, 13, 17, 20, 24-26, 28-29, 32-34, 38-40 and 42-43 are rejected under 35 U.S.C. 103(a) as obvious over Browseaccelerator (Jan 2002).

Browseaccelerator discloses anticipating a trustworthiness of an Internet site as discussed above.

15. As per claims 2-3, 17, 20 and 32-33, Browseaccelerator does not disclose the details on types of presentation of data (representation of analytical results) to a user. In particular, Browseaccelerator does not disclose a numerical representation or a scaled gauge representation.



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However, presenting data to users using a numerical representation or a scaled gauge representation is well known in the art of computing as well as in the art of data analysis (refer to Microsoft Excel, US PUB 2003/0071814 or 2002/0013941 for example), and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide a user with numerical or a scaled gauge representation given the benefit of usability.

16. As per claims 4-5, 17, 29 and 34, the step of awarding numerical points to each criterion has been addressed above. However, the examiner would like to point out that in addition to the inherent assigning of values to search/evaluation criterion in computing (due to the computing devices operating on numbers), an ordinary artisan in the art of searching/evaluating/analysis would readily recognize that it is well known to award numerical points to each criterion based upon an influence that each criterion has on the anticipated result of search/analysis (see US PUB 2002/0104014, 200/0174081, 2002/0004757 etc.), and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to award numerical points to each criterion based upon an influence that each criterion has on the anticipated result given the benefit of providing more relevant results.

17. As per claims 9-11, 24-26, 38-40, although Browseaccelerator discloses determining a trustworthiness of an Internet, Browseaccelerator does not mention determining the Internet site supports for secure Internet transactions, presence of a verified authentication certificate or a privacy statement.



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However, an ordinary artisan in the art of computer security would readily recognize that secure transaction support (e.g. SSL), digital certificates (e.g. X.509 certificates) and privacy statements (either in the certificates or explicitly disclosed as a digital content) are tools increasing confidence in an Internet site security/privacy (secure transaction support ensures that the communication with the site is confidential, e.g. encrypted; digital certificate increase confidence that the site is genuine; privacy statement increases confidence that data is going to be kept private), and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include determining these security/privacy features given the benefit of providing a more comprehensive trustworthiness information on reported Internet sites. (For applicant's quick reference, the examiner includes additional references: Sun, NASA, WTOP).

18. As per claims 13, 28 and 42, the digital certificate statement reads on validation of a site by an independent third party (see O'Reilly's "Web Security & Commerce", pg. 142-147, for example).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

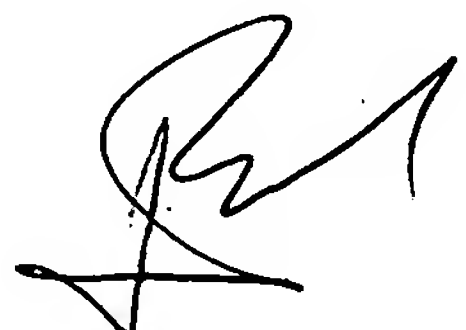
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER

  
6/2/07